

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 10-339 (PJS/JJK)

Plaintiff,

v.

GABRIEL DAMAS MARTINEZ (4),

ORDER

Defendant.

Jeffrey S. Paulsen, Esq., Assistant United States Attorney, counsel for Plaintiff.

F. Clayton Tyler, Esq., F. Clayton Tyler, PA, counsel for Defendant Martinez.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated March 17, 2011. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure (Doc. No. 120), is **DENIED**; and

2. Defendant's Motion to Suppress Statements (Doc. No. 127), is **GRANTED** to the extent it seeks suppression of Defendant's post-arrest statements in response to questions that were not preceded by a *Miranda* warning.

Date: April 11, 2011

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge